

Action dated June 3, 2005, applicants elect hereby to prosecute the claims of Group I, that is, Claims 15, 41 to 59, 70 to 91, 94, 97 to 103, and 109 to 114. Applicants confirm their right to file divisional applications which include the non-elected claims.

Applicants traverse respectfully the Restriction Requirement.

The Examiner's attention is further directed to MPEP §803, which states (emphasis added):

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP §§ 802.01, §§ 806.04, §§ 808.01) or distinct as claimed (see MPEP §§ 806.05 - §§ 806.05(i)); and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP §§ 803.02, §§ 806.04(a) - §§ 806.04(i), §§ 808.01(a), and §§ 808.02).

Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the restriction requirement in most cases.

Applicants respectfully submit that it would not be a serious burden, as required in MPEP §803, for the Examiner to search and examine all of the pending claims.

In view of the above, applicants request respectfully that the Examiner withdraw the Restriction Requirement.

A favorable action on the merits is requested respectfully. The Commissioner is

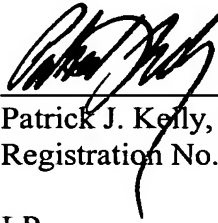
SYNNESTVEDT & LECHNER LLP

In re Application of Vogels et al.  
Application No. 10/036,949

Atty. Docket No. P25,290-A US1  
July 5, 200  
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hereby authorized to charge any additional fees or credit any overpayment associated with this Reply to Deposit Account No. 19-5425. A duplicate of this Reply is enclosed.

Respectfully submitted,



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